

FILED

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**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PUBLIC UTILITIES COMMISSION OF
THE STATE OF CALIFORNIA; et al.,

Petitioners,

v.

FEDERAL ENERGY REGULATORY
COMMISSION,

Respondent.

Nos. 01-71051, et al.

PACIFIC GAS & ELECTRIC COMPANY,
et al.

Petitioners,

v.

FEDERAL ENERGY REGULATORY
COMMISSION,

Respondent.

Nos. 03-73887, 03-74464,
03-74471, 03-74594,
03-74729, 04-75822.

ORDER

Before: THOMAS, McKEOWN and CLIFTON, Circuit Judges

The renewed motion for reconsideration and severance by petitioner
Williams Power Company, Inc., in petition 03-74464, is granted. The Clerk has
designated docket no. 04-75822 as the new docket number for the petition for

01-71051, et al., 03-73887, 03-74464, 03-74471, 03-74594, 03-74729, 04-75822

review filed by Dynergy Power Marketing, Inc., et al., in the United States Court of Appeals for the District of Columbia and transferred to this court on December 1, 2003.¹ Williams Power Company, Inc., is now the sole petitioner in petition 03-74464.

The court accepts William's withdrawal from its petition for review of the following Commission orders:

(1) Order Temporarily Modifying the West-Wide Price Mitigation Methodology, FERC Docket No. EL01-68-000, 97 FERC 61,294 and 99 FERC 61,161; and

(2) Order Denying Rehearing, FERC Docket No. EL01-68,010, 99 FERC 61,161.

The Clerk shall consolidate petitions 03-73887, 03-74471, 03-74594, 03-74729, 03-74464 and 04-75822 with consolidated petitions 01-71051, et al.

The September 22, 2004, order to show cause is discharged.

The September 22, 2004, order also severed and transferred to the United States Court of Appeals for the District of Columbia Circuit portions of petitions 03-73887, 03-74464, 03-74471, 03-74594, and 03-74729, challenging

¹This petition was docketed in the D.C. Circuit Court of Appeals as 03-1378. The other petitioners are El Segundo Power LLC, Long Beach Generation LLC, Cabrillo Power I LLC, and Cabrillo Power II LLC.

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respondent's October 16, 2003, Order Clarifying Nature of Proceedings, 105

FERC 61,063. A review of these cases reveal that petitions 03-73887, 03-74471,

03-74594, and 03-74729 contain challenges to the October 16, 2003, Order

Clarifying Nature of Proceedings. Accordingly, to effectuate the transfer of the

severed portions of petitions 03-73887, 03-74471, 03-74594, and 03-74729, the

Clerk shall send duplicate copies of these petitions to the United States Court of

Appeals for the District of Columbia Circuit, together with a copy of this order and

the September 22, 2004, order.